

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
Western District of TexasUnited States of America
v.
ROBERT RICHARD RHODES

Case No. SA11-CR-313(1) OLG

A-13-M-14

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Robert Richard Rhodes
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

see attached petition

Date: 01/10/2013City and state: San Antonio, TX
Issuing officer's signatureRobert F. Flaig, Deputy Clerk
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

FILEDPROB 12C
(7/93)**UNITED STATES DISTRICT COURT**

JAN 10 2013

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

for

WESTERN DISTRICT OF TEXAS**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: Robert Richard Rhodes Case Number: SA-11-CR-313(1)OLGName of Sentencing Judicial Officer: Honorable Orlando L. Garcia, United States District JudgeDate of Original Sentence: October 13, 2011Original Offense: Failure to Register, in violation of 18 U.S.C § 2250(a)

Original Sentence: Sentenced to twelve (12) months custody in the U.S. Bureau of Prisons, followed by twenty (20) years of supervised release. Special conditions as imposed: Abide by all rules of sex offender treatment, no association with any minors under the age of 18 years, reside in approved residence, not reside within 1,000 ft. of schools and 100 ft. of child safety zones, participate in sex offender treatment, register as a sex offender, and search and seizure.

Type of Supervision: Supervised Release Date Supervision Commenced: March 30, 2012Assistant U.S. Attorney: Tracy Thompson Defense Attorney: Kurt Gene May**PREVIOUS COURT ACTION**

On April 2, 2012, a U.S. Probation Form 12B, Request for Modifying the Conditions or Term of Supervision with Consent of the Offender, was submitted to the Court recommending placement in the RRC due to the offender being a registered sex offender and having no family support or financial means to support himself. On April 2, 2012, Your Honor ordered Rhodes to reside at the local RRC for a period of 180 days.

On October 1, 2012, a U.S. Probation Form 12B, Request for Modifying the Conditions or Term of Supervision with Consent of the Offender, was submitted to the Court recommending placement in the RRC due to the offender being a registered sex offender and having no family support or financial means to support himself. On October 4, 2012, Your Honor ordered Rhodes to reside at the local RRC for a period of 180 days.

On November 28, 2012, a U.S. Probation Form 12A, Report on Offender Under Supervision, was submitted to the Court advising that on or about October 30, 2012, the offender smoked K2 (synthetic marijuana) and drank a shot of vodka with another defendant at the Austin Transitional Center RRC. The offender has not been keeping his polygraph log updated as required and failed to complete his Offense Summary Worksheet for sex offender treatment. The probation office respectfully recommended no action. On November 30, 2012, Your Honor concurred with the U.S. Probation Officer's recommendation and no action was taken.

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PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
Special Condition 1:	"The defendant shall not associate with any child or children under the age of 18 except in the presence and supervision of an adult specifically designated in writing by the probation officer. The probation officer will notify the designated adult of risks occasioned by the defendant's criminal record or personal history or characteristics. The defendant shall permit the probation officer to make such notifications."
Special Condition 2:	"The defendant shall follow all other lifestyle restrictions or treatment requirements imposed by the therapist, and continue those restrictions as they pertain to avoiding risk situations throughout the course of supervision. This includes not residing or going to places where a minor or minors are known to frequent without prior approval of the probation officer."
Special Condition 3:	"The defendant shall reside at the Community Corrections Facility for a period of up to 180 days to commence immediately upon acceptance and shall observe the rules of the facility. Further, once employed, the defendant shall pay 25% of his weekly gross income for his subsistence as long as that amount does not exceed the daily contract rate."

On December 27, 2012, a phone was confiscated from the offender due to it having internet service and a camera with video on it which he is not authorized to have per Residential Re-entry Center rules and regulations. The offender is a register sex offender and upon review of the phone, it was discovered he was taking pictures of a minor at someone's house or apartment at an unauthorized location. It also has random pictures of minors when he is out in the community. Upon reviewing the internet history of the phone, it also shows the offender has been going to several pornographic sites.

Due to the offender's disregard of the rules and regulations at the Residential Re-entry Center and the seriousness of the violations, Rhodes is going to be discharged from the RRC.

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U.S. Probation Officer Recommendation:

Robert Rhodes has a Criminal History Category of I with a prior sexual offense conviction and a prior failure to register conviction. The defendant has a sex offender risk level of Low Risk. Rhodes is a registered sex offender. Rhodes is not married and has resided in the RRC since starting supervised release. On April 24, 2012, a psychosexual evaluation was conducted on the defendant. The psychologist recommended sex offender treatment and random urine specimens. On May 21, 2012, the defendant was referred to sex offender treatment. The offender is giving random urine testings at the RRC.

On or about October 30, 2012, the offender smoked K2 (synthetic marijuana) and drank a shot of vodka with another defendant at the Austin Transitional Center RRC. The offender has not been keeping his polygraph log updated as required and failed to complete his Offense Summary Worksheet for sex offender treatment.

This report is submitted to the Court due to the defendant possessing a phone with pornography on it, taking pictures of minors, and violating RRC rules. A warrant is being requested due to the defendant's noncompliant behavior and previous sex offender offense.


☒ The term of supervision should be

☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release;
and payment of any unsatisfied monetary sanction previously imposed)

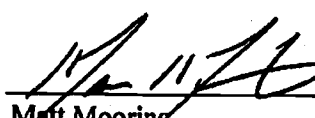
☐ extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

Approved:


Francisco A. Peralta
Supervising U.S. Probation Officer
Telephone: (512) 916-5761, Ext. 8733

Respectfully submitted,


Matt Mooring
United States Probation Officer
Telephone: (512) 916-5761, Ext. 8753
Date: December 28, 2012

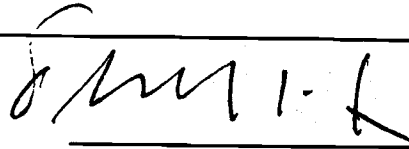
cc: Tracy Thompson
Assistant U.S. Attorney

Suzan R. Contreras
Assistant Deputy Chief U.S. Probation Officer

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THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other _____



Orlando L. Garcia
U.S. District Judge

1.10.13

Date